

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventor:	Joachim LOHR et al.	Art Unit 2617
Appln. No.:	10/589,859	Exr. G. Viana Di Prisco
Filed:	August 17, 2006	Conf. No. 2204
For:	HAPPY BIT SETTING IN A MOBILE COMMUNICATION SYSTEM	

RESPONSE UNDER 37 CFR § 1.116

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Rejection dated October 27, 2008, the Applicants respectfully request reconsideration and allowance of this application in light of the following remarks.

Claims 26-36 and 38-49 stand rejected, under 35 USC §102(a), as being anticipated by 3GPP TS 25.309 v6.2.0 (hereinafter 3GPP 1). Claim 37 stands rejected, under 35 USC §103(a), as being unpatentable over 3GPP 1 in view of 3GPP TSG-RAN WG2 #46 (hereinafter 3GPP 2).

The Applicants respectfully traverse these rejections based on the points set forth below.

Claim 26 defines a method for communicating control information associated with uplink data on an Enhanced Dedicated Channel (E-DCH) of a Universal Mobile Telecommunication System (UMTS). According to this method, a happy bit is transmitted, by a user equipment to a serving cell node, indicating whether the user equipment could utilize more than a maximum amount of uplink resources allowed by scheduling grants for transmitting scheduled uplink data